

SECTION B: REMARKS

I. INTRODUCTION

This Amendment is responsive to the Office Action dated June 15, 2007. Claims 1-20 were pending in this application. Claims 1-20 are presently subject to rejection.

The present communication is being filed between the third and fourth month and requires a one-month extension from the three (3) month shortened statutory period.

Claims 1-13 are rejected to under 35 U.S.C. § 112, second paragraph for failure to particularly point out and distinctly claim the subject matter which the applicant regards as his invention.

Claims 1-3 and 6-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Tanida, US Pat. App. Pub. No. 2007/0050050, ("Tanida").

Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanida in view of Osten US Pat. No. 5,719,950.

Claims 1, 4, 14-16, 18-20 have been amended herein, without prejudice. Claims 2 and 11 have been cancelled herein without prejudice. No other claims have been cancelled, withdrawn, or added. Therefore, Claims 1, 3-10, and 12-20 remain pending in this case. Reconsideration is respectfully requested.

II. CLAIM REJECTIONS UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Claims 1-13 are rejected under 35 U.S.C. §112 Second Paragraph for containing errors associated with claim language. Claim 1, in particular, is rejected for omitting essential structural cooperative relationships of claim elements.

Claim 1 has been amended to correct this deficiency to include language relating claim elements to one another and properly connecting back to the claim preamble. Support for the claim amendment can be found in paragraph [0020] of the published application.

Claim 2 has been cancelled herein, without prejudice.

Claim 4 is amended herein to correct problems of confusing antecedent basis. Claim 10 has been amended to remove problems of antecedent basis and to properly recite a means-plus-function claim limitation. Claim 11 has been cancelled herein, without prejudice.

Claim 14 has been amended to correct problems of antecedent basis and to more properly recite method claim limitations. Claims 15, 16 and 18 are amended to correct questions of antecedent basis. Claims 19 and 20 are amended herein to more properly recite method claim limitations.

III. CLAIM REJECTIONS UNDER 35 U.S.C. §102(b)

Claims 1-12 and 14-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanida, US Pat. App. Pub. No. 2007/0050050, ("Tanida").

Section 102(b) will preclude a patent grant if the inventor or third party patents the invention or describes it in a printed publication in the USA or abroad one (1) year before the filing date of the invention. Tanida has a publication date of March 1, 2007 and an earliest priority date of August 31, 2005. Comparatively, the present invention has an earliest effective filing date of January 27, 2005. Therefore, Tanida does not meet the

requirements of 102(b) prior art against the present invention nor is Tanida prior art under any other subsection of section 102.

Applicant respectfully submits that independent claims 1 and 14 are patentable as amended as well as their dependent claims.

IV. CLAIM REJECTIONS UNDER 35 U.S.C. §103(a)

Claim 4 and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tanida in view of Osten. Since Tanida as previous stated does not meet the time requirements to form the basis of a proper rejection, it similarly cannot be combined with another reference to form a rejection. Therefore, Applicant respectfully submits that dependent claims 4 and 5 are patentable for their own novel limitations as well as their dependency from independent claim 1.

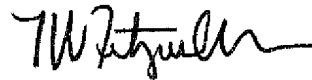
V. APPLICANT'S PRELIMINARY AMENDMENT NOT ENTERED TO PRINTED PUBLICATION OF JULY 19, 2007

Applicant previously submitted a preliminary amendment to the specification on August 8, 2006. The preliminary amendment is available to view in Public PAIR, however the amendment was not entered to the U.S. Pat. App. Printed Publication of July 19, 2007. Applicant respectfully requests that the current status of the patent application includes the preliminary amendment.

VI. CONCLUSION

Based on the above amendment and accompanying remarks, Applicant respectfully submits that all pending claims are in condition for allowance and earnestly solicits a notice thereof. Applicant further encourages the Examiner to telephone the undersigned attorney if it appears that a telephone conference would facilitate allowance of the application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'TW Fitzwilliam', with a stylized flourish at the end.

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